

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S04P0828WO00	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/008947	International filing date ( <i>day/month/year</i> ) 18 June 2004 (18.06.2004)	Priority date ( <i>day/month/year</i> ) 20 June 2003 (20.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SONY CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 01 May 2006 (01.05.2006)  Authorized officer <p style="text-align: center; font-weight: bold;">Yoshiko Kuwahara</p> Telephone No. +41 22 338 90 90
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# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**S04P0828W000**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2004/008947**

International filing date (day/month/year)

**18.06.2004**

Priority date (day/month/year)

**20.06.2003**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**SONY CORPORATION**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008947

Box No. 1      Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/008947

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims	1-4, 6-11	YES
	Claims	5	NO
Inventive step (IS)	Claims	1-4, 9-11	YES
	Claims	5-8	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

**2. Citations and explanations:**

**Claim 5**

Document 1: JP 11-219284 A (Sanyo Electric Co., Ltd.)

10 August 1999, Full text; Figs. 1-7 (Family: none)

In document 1 (Fig. 4), a "version update data" of a plurality of versions is stored and the respective "version update data" also contains "update information" of after the time when older "version update data" was created (in other words, when the update was applied). In document 1 (Fig. 4), the "version update data" is created by a "server" and distributed via "LAN line 70".

The combination of "version information" and "version update data" of document 1 (Fig. 4) corresponds to "software update data" of claim 5; "version update data" corresponds to "update information" of claim 5; and "server" and "LAN line 70" of document 1 corresponds to "software creation means" and "software distribution means" of claim 5 respectively.

Therefore, the novelty of claim 5 is refuted by the existence of document 1.

**Claim 6**

Referring to document 1 (column 0005), "a method such that software is replaced with entirely new software" as a version upgrade method" and a method using the "difference" are described as being conventional methods. The former corresponds to "version update data" of claim 6 and the latter corresponds to "update data" of claim 6.

Enabling either of the above two version update methods conventionally performed as specified methods of "version upgrade data" of document 1 (Fig. 4), would be obvious to a person skilled in the art. Regarding the other points, the same can be said as stated above for claim 5. Therefore, claim 6 does not involve an inventive step.

(Continued)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008947

Box No. VIII      Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

(1) In the specification, "update data" and "version update data" are categorized and handled as different.

(2) "Software update data" corresponds to "update data" of the specification in the description in claim 1 of "update data following the time of application in other software update data to software update data is included and provided".

(3) "Software update data" corresponds to "version update data" of the specification in the description in claim 1 of "if update information is stored with respect to the relevant software update data".

(4) In other words, "update data" and "version update data" in the specification are treated as different; however, claim 1 uses the same "software update data" together in claim 1.

(5) Therefore, in addition to the description of claim 1 not being clear, the description of the specification and corresponding relationship is also unclear; therefore, the description of claim 1 is not sufficiently supported by the specification.

(6) Claims 3, 4, 9 and 11 are also insufficient for the same reasons as (1)-(5) above.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Claim 7

Document 2: Yuhei IWASAKI, "LAN Gaku Chonyumonho", Computer & Network LAN, 01 October 1997, Vol. 15, No. 10, pages 31-35 ISSN: 0913-560X, particularly, page 33, descriptions relating to "Dynamic routing"

Document 2 (page 33, left column, line 16-right column on same page, line 18; Fig. 3) discloses the well known method of dynamic routing, and it would be obvious to a person skilled in the art that if this method is used, files and packets would be transferred via different paths respectively. And, enabling use of a LAN having this kind of well known dynamic routing function as "LAN line 70" of document 1 would be obvious for a person skilled in the art. For the other points, the same is true as for claim 5. Therefore, claim 7 does not appear to involve an inventive step.

Claim 8

Regarding claim 8, the same is true for claims 6 and 7 stated above.

Claim 1

Document 3: JP 2000-353096 A (NEC Corp.), 19 December 2000, columns 0002, 0003, 0016-0023 (Family: none)

Document 3 discloses, of blocks required to transfer as differences with respect to a server (central station 1) to a client when updating a program version having a client (base station 2) to a different version, an invention such that blocks the client already has are not transferred. However, documents 1-3 neither describe nor suggest a configuration wherein "update data following the time of application in other software update data to software update data is included and provided", "in addition to saving the update data contained in the relevant software update data, the software containing the relevant update data is overwritten if update information is stored in the relevant software update data" of claim 1.

Claims 2-4 and 9-11

For the same reasons as with claim 1, claims 2-4 and 9-11 appear to involve novelty and possess an inventive step.